



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Randel Perry, Project Manager

Public Notice Date: 7 September 2004
Expiration Date: 7 October 2004
Reference: 200400879
Name: South Church, LLC

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT - South Church, LLC
2723 Douglas Road
Ferndale, Washington 98248-8907
Telephone: (360) 592-2678

AGENT - Storm Property Development
4757 Mosquito Lake Road
Deming, Washington 98244-9301
ATTN: Mr. Steve Storm
Telephone: (360) 303-3326

LOCATION - In wetlands adjacent to Schell Ditch at Ferndale, Whatcom County, Washington.

WORK - Place fill into 3.68 acres of palustrine emergent wetlands to enable construction of a single-family residence subdivision and attendant facilities.

PURPOSE - Provide single-family residential housing for the Ferndale area.

MITIGATION - Applicant proposes to create 2.70 acres of wetlands on-site; enhance 4.29 acres of on-site wetlands; and enhance fish habitat (via large woody debris and rearing pools) in Schell Ditch.

ENDANGERED SPECIES - The Endangered Species Act of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The bald eagle (*Haliaeetus leucocephalus*) listed threatened; marbled murrelet (*Brachyramphus marmoratus*), listed threatened; Coastal/Puget Sound bull trout (*Salvelinus confluentus*) listed threatened; Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) listed threatened; may occur in the proposed project area. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will evaluate the potential impacts to these species.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). EFH for Pacific salmon, groundfish, and coastal pelagic species occurs downstream of the project area.

If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES - The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The Corps has no record of historic and/or cultural resource sites in the permit area.

The District Engineer invites responses to this public notice from Federal, State, and local agencies, historical and archeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

PUBLIC HEARING - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

ADDITIONAL EVALUATION - The State of Washington is reviewing this work for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

The City of Ferndale is the local government entity processing an application for a Shorelines Substantial Development permit for this project.

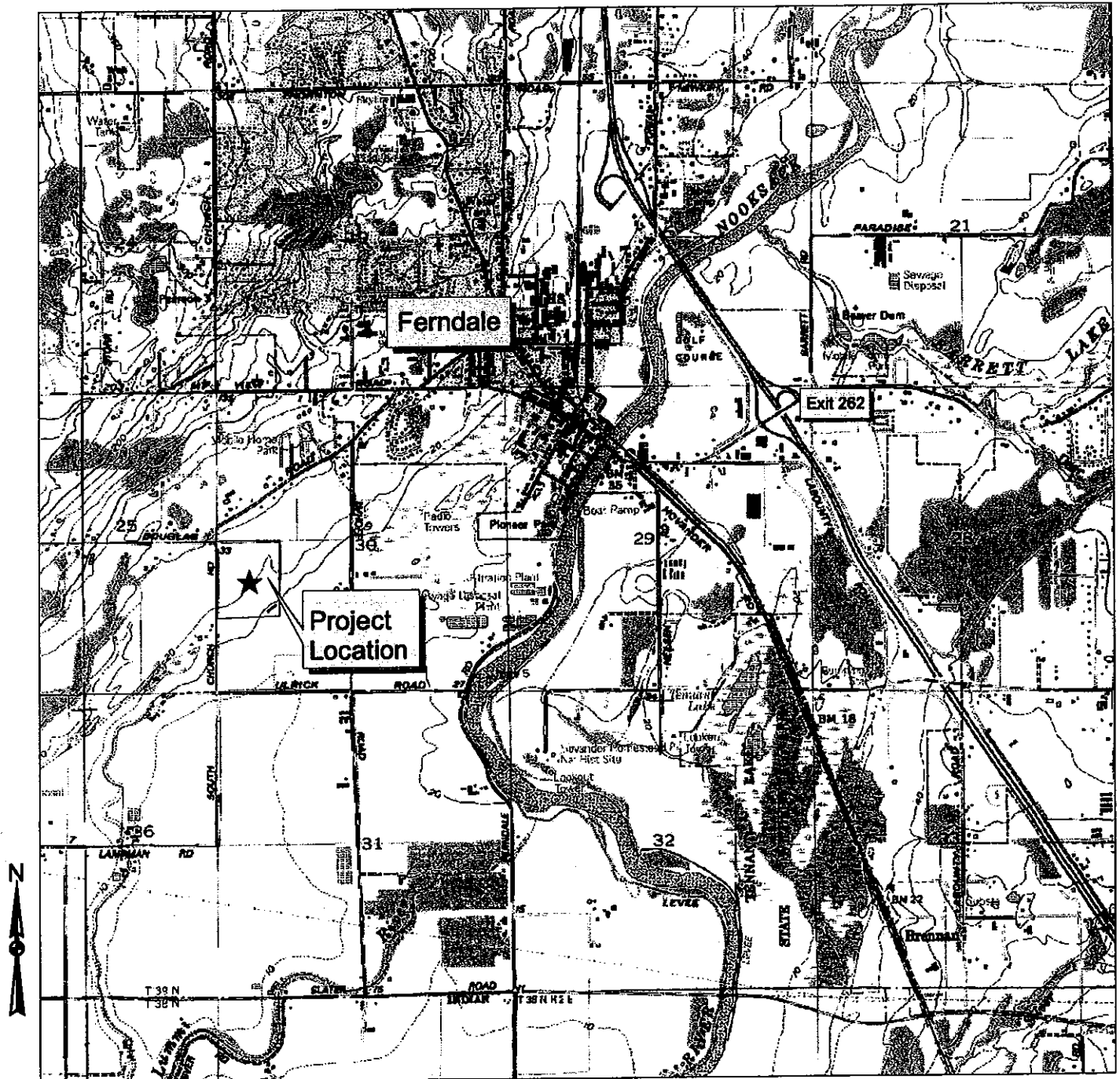
200400879, South Church, LLC

COMMENT AND REVIEW PERIOD – Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to Randel.J.Perry@nws02.usace.army.mil. Conventional mail comments should be sent ATTN: Randel Perry, Project Manager, Regulatory Branch. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

South Church, LLC
200400879

Encl
Drawings (8)

Vicinity Map South Church Road Property



0.5 0 0.5 Miles

CAi Cantrell
& Associates, Inc.

Directions From Seattle:

- I-5 North to exit 262
- Turn right off exit on to Main St.
- Go straight thru town
- Turn left on Douglas Road
- Bear right at stop sign
- Turn to left onto S Church
- Park on gravel stub east of Douglas Rd

Corps Ref. #: 200400879

Purpose: To construct subdivision

Proposed: Wetland fill

Adjacent To: Stream

In: Wetlands

At: Ferndale (NW 1/4, SW 1/4, S30, T39N, R2E)

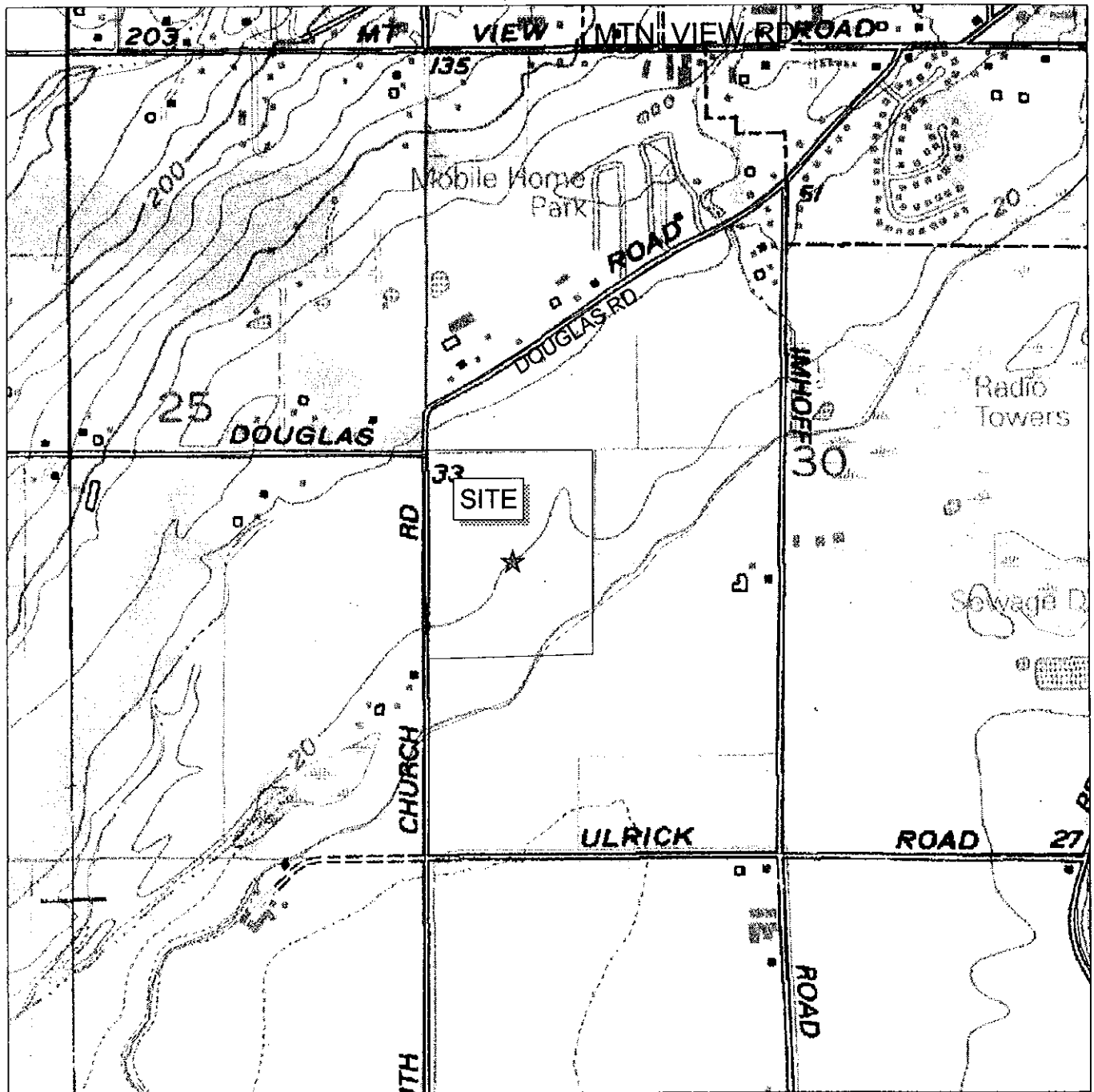
County: Whatcom State: WA

Applicant: South Church LLC

Sheet 1 of 8

6/23/04

Topography Map (USGS) S. Church Road Property



1000 0 1000 Feet

CAI Cantrell
& Associates, Inc.

Directions From Seattle:

- I-5 North to exit 262
- Turn right off exit on to Main St.
- Go straight thru town
- Turn left on Douglas Road
(at corner of Pacific Prime Rib)
- Bear right at stop sign
- Turn to left onto S Church
- Park on gravel stub east of Douglas Rd

Corps Ref. #: 2004 00879

Purpose: To construct subdivision

Action: Proposed wetland fill

Adjacent to: Tributary to Lummi (Red) River

In: Ferndale

County: Whatcom State: WA

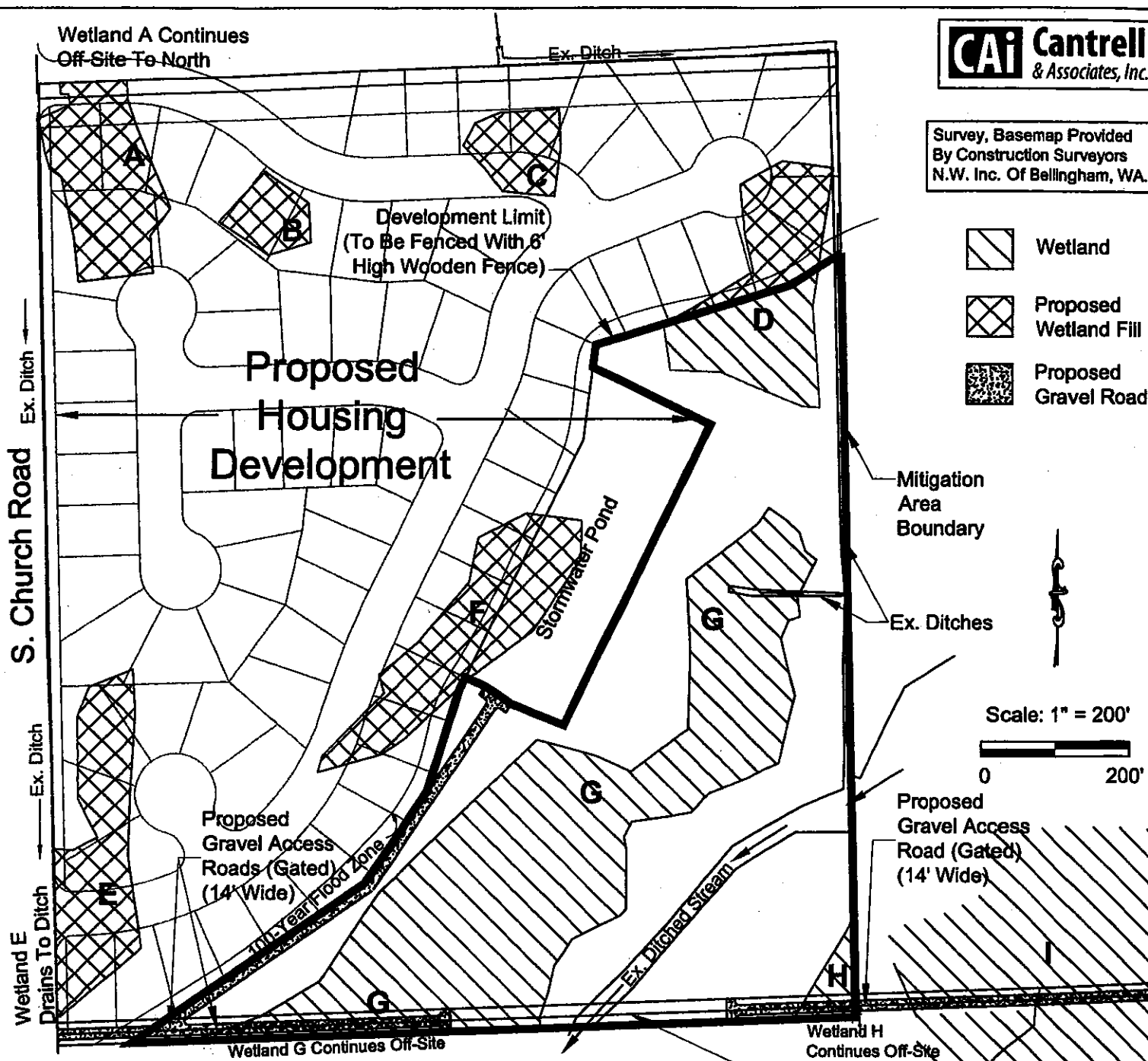
Application by: South Church LLC

Sheet 2 of 8

6/23/04

Survey, Basemap Provided
By Construction Surveyors
N.W. Inc. Of Bellingham, WA.

-  Wetland
-  Proposed Wetland Fill
-  Proposed Gravel Road



Wetland Fill Area Summary		
Wetland	Type	Fill Area
A	PEMC	31,599 SF (0.72 A)
B	PEMC	8,605 SF (0.20 A)
C	PEMC	11,993 SF (0.28 A)
D	PEMC	19,174 SF (0.44 A)

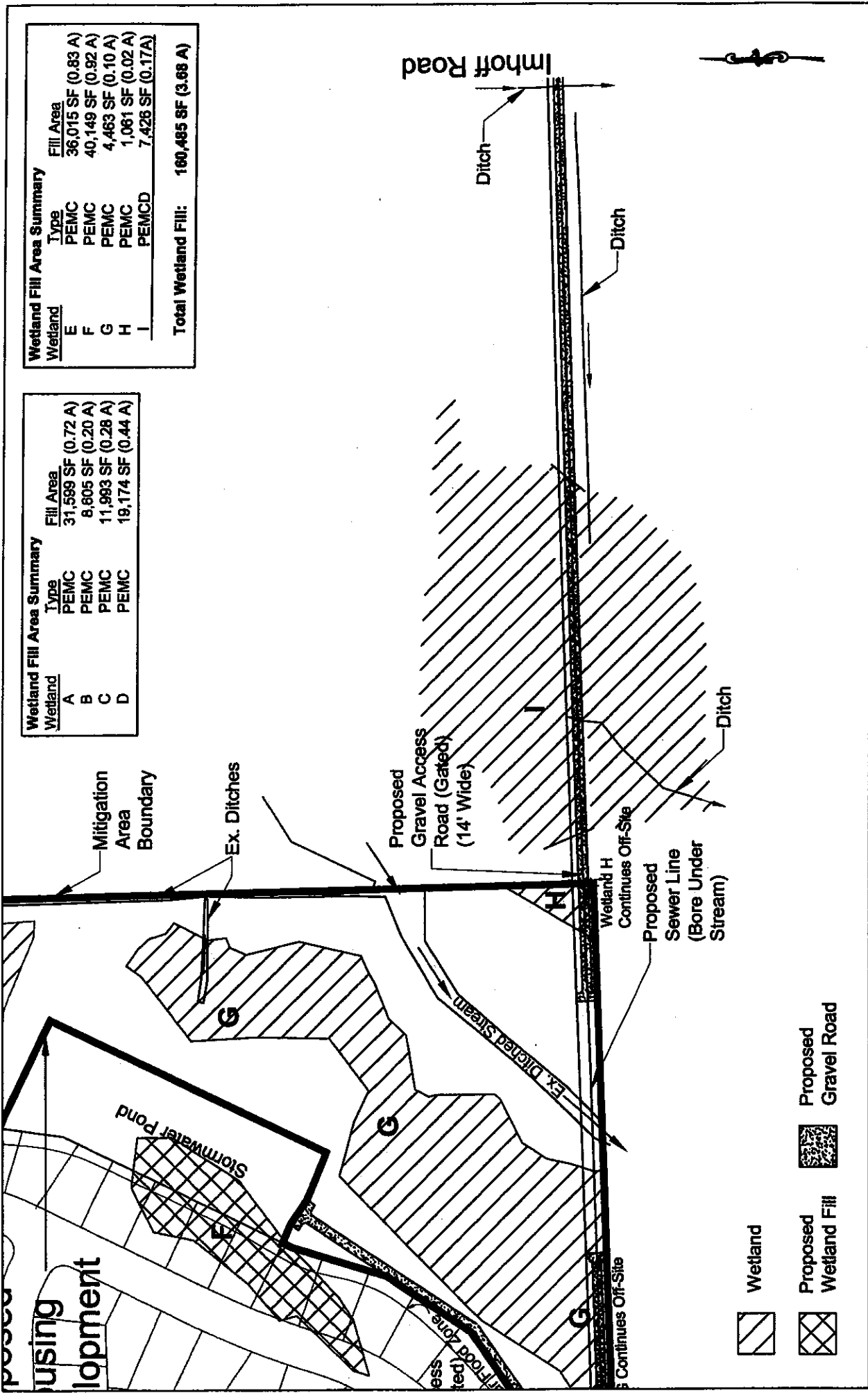
Wetland Fill Area Summary		
Wetland	Type	Fill Area
E	PEMC	36,015 SF (0.83 A)
F	PEMC	40,149 SF (0.92 A)
G	PEMC	4,463 SF (0.10 A)
H	PEMC	1,061 SF (0.02 A)
I	PEMCD	7,426 SF (0.17A)
Total Wetland Fill:		160,485 SF (3.68 A)

Plan View: Proposed Subdivision Layout

CORPS REFERENCE NO.: 200400879
PURPOSE: To Construct Subdivision
DATUM: NGVD 1929
JOB ADDRESS: S. Church Rd at Douglas Road
APPLICATION BY: South Church LLC
MAILING ADDRESS: 2723 Douglas Road
Ferdale, WA 98248

PROPOSED: Wetland Fill
IN: Wetlands
ADJACENT TO: Stream
AT: Ferdale (NW $\frac{1}{4}$, SW $\frac{1}{4}$, S30, T39N, R2E)
COUNTY: Whatcom
STATE: Washington
SHEET: 3 of 8 DATE: 6/23/04

Drawn By: JDL



Wetland Fill Area Summary

Wetland	Type	Fill Area
E	PEMC	36,015 SF (0.83 A)
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Total Wetland Fill:		160,485 SF (3.88 A)

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B	PEMC	8,805 SF (0.20 A)
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D	PEMC	19,174 SF (0.44 A)

-  Wetland
-  Proposed Wetland Fill
-  Proposed Gravel Road

Plan View: Sewer Access Road (Off-Site)

CORPS REFERENCE NO.: 200400879

PURPOSE: To Construct Subdivision

DATUM: NGVD 1929

JOB ADDRESS: S. Church Rd at Douglas Road

APPLICATION BY: South Church LLC

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Ferndale, WA 98248

Drawn By: JDL

PROPOSED: Wetland Fill

IN: Wetlands

ADJACENT TO: Stream

AT: Ferndale (NW 1/4, SW 1/4, S30, T39N, R2E)

COUNTY: Whatcom

STATE: Washington

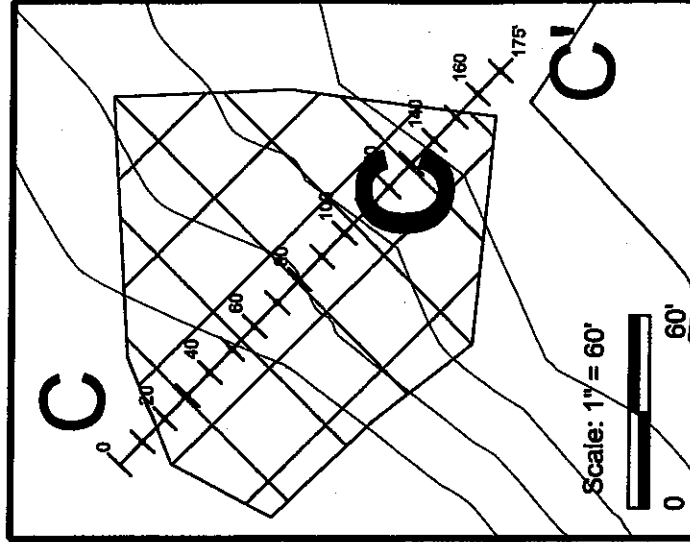
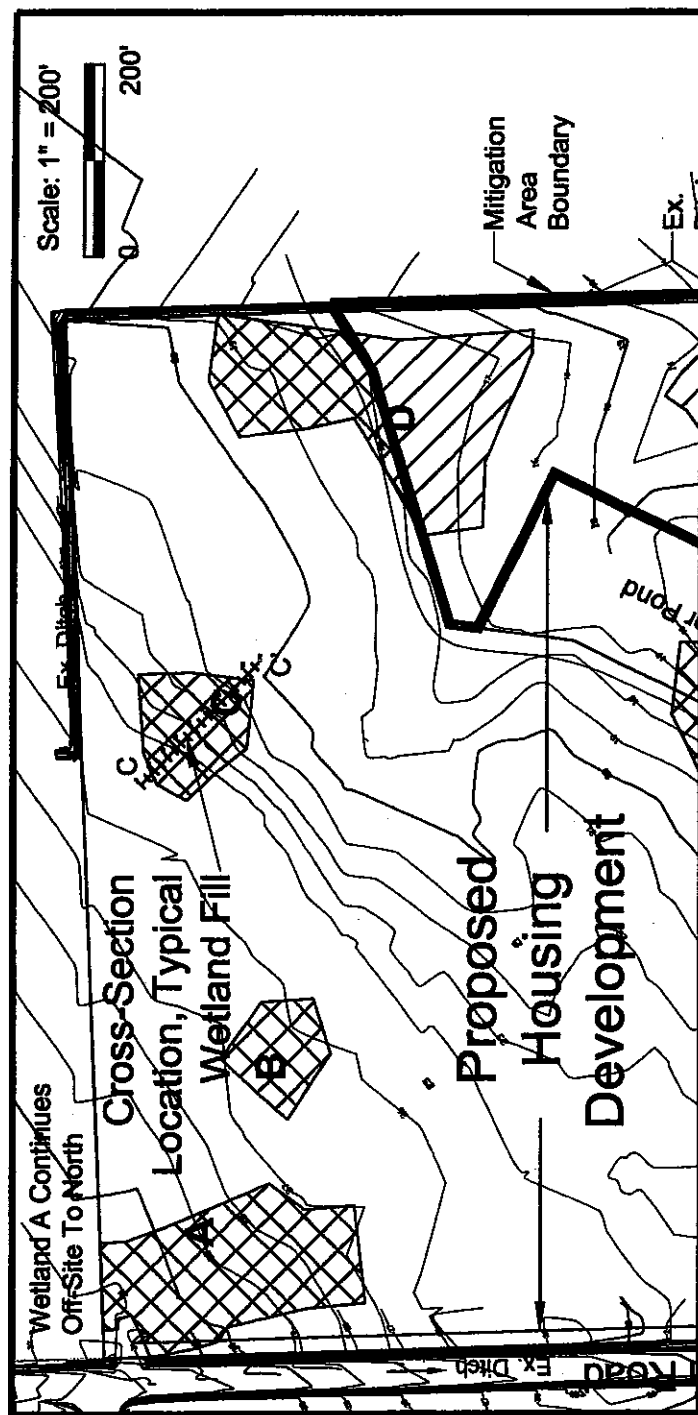
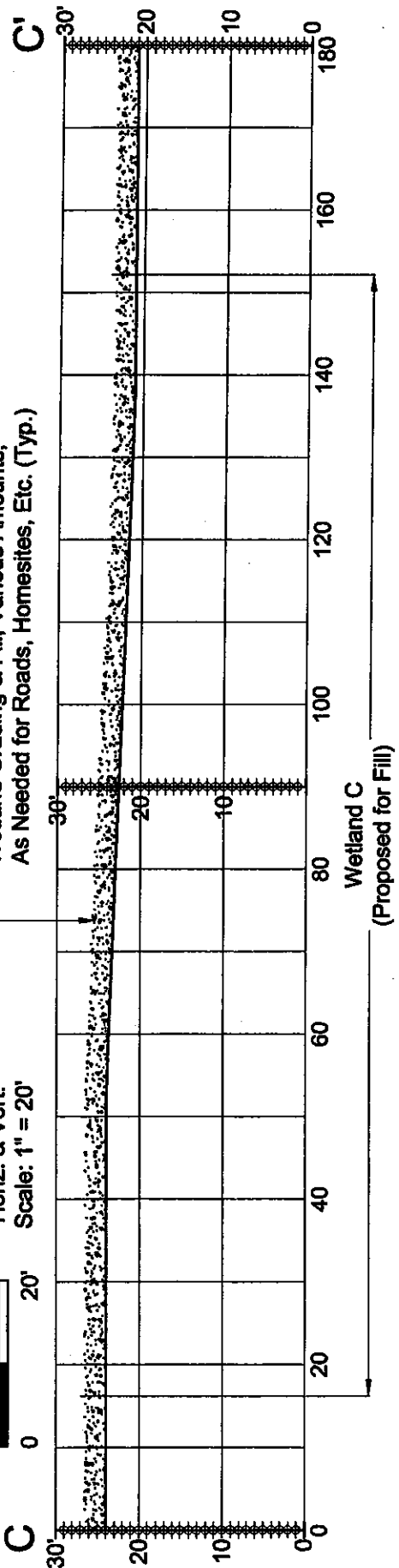
SHEET: 4 of 8 DATE: 6/23/04

Scale: 1" = 200'




 Horiz. & Vert.
 Scale: 1" = 20'

— Wetland Grading & Fill, Various Amounts,
 As Needed for Roads, Homesites, Etc. (Typ.)



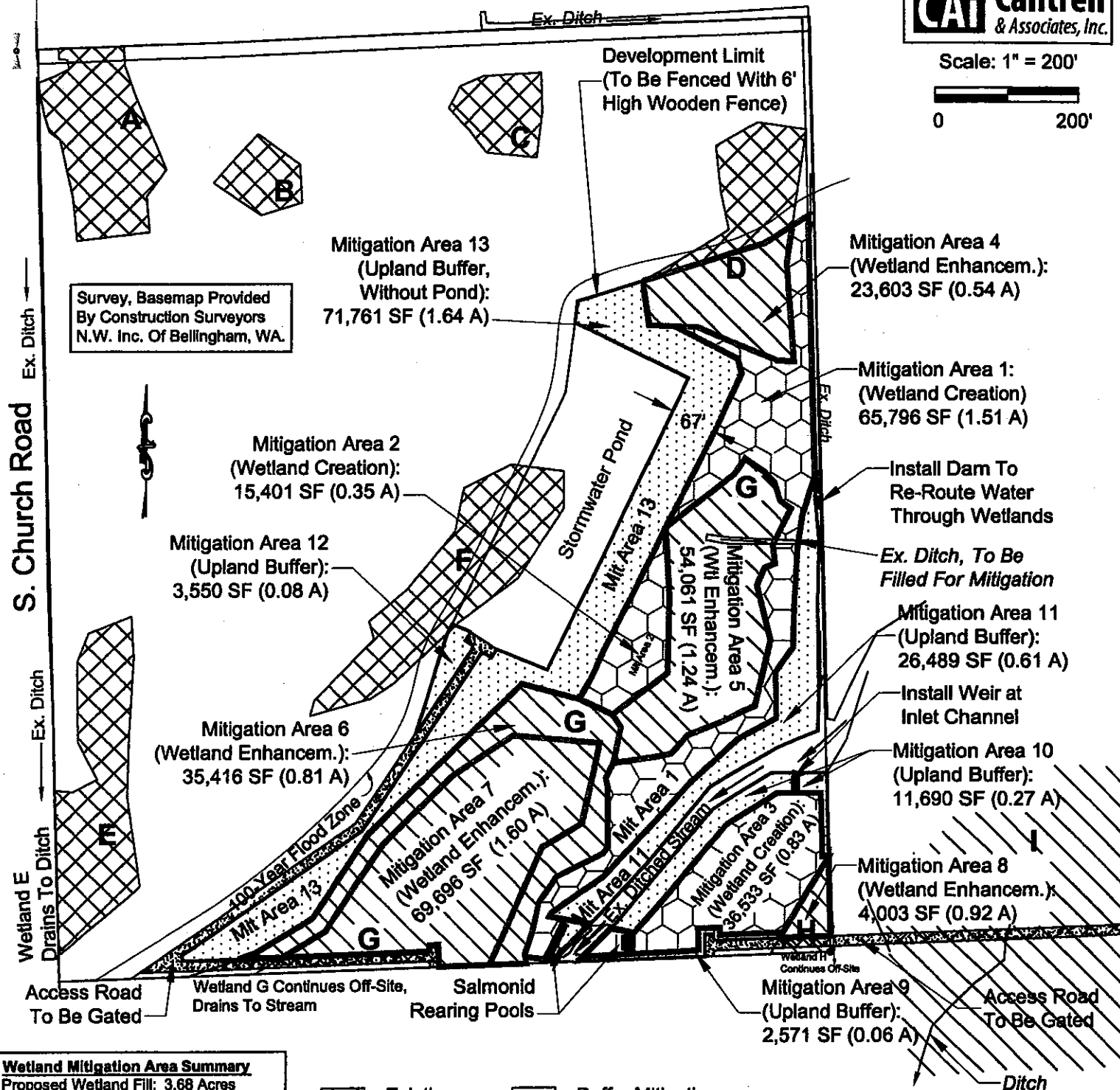
Cross-Sectional View: Section C (Wetland Fill, Typical)

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 MAILING ADDRESS: 2723 Douglas Road
 Ferndale, WA 98248

Drawn By: JDL

PROPOSED: Wetland Fill
 IN: Wetlands
 ADJACENT TO: Stream
 AT: Ferndale (NW 1/4, SW 1/4, S30, T39N, R2E)
 COUNTY: Whatcom
 STATE: Washington
 SHEET: 5 of 8 DATE: 6/23/04





Wetland Mitigation Area Summary
 Proposed Wetland Fill: 3.68 Acres
 Wetland Creation: 2.70 Acres
 Wetland Enhancement: 4.29 Acres
 Upland Buffer Enhancement: 2.86 Acres
 Salmonid Rearing Pools: 0.08 Acres
 Total Mitigation Area: 9.74 Acres

Existing Wetland
 Buffer Mitigation (Upland)
 Proposed Wetland Fill
 Wetland Creation
 Proposed Gravel Road

Wetland Mitigation Map

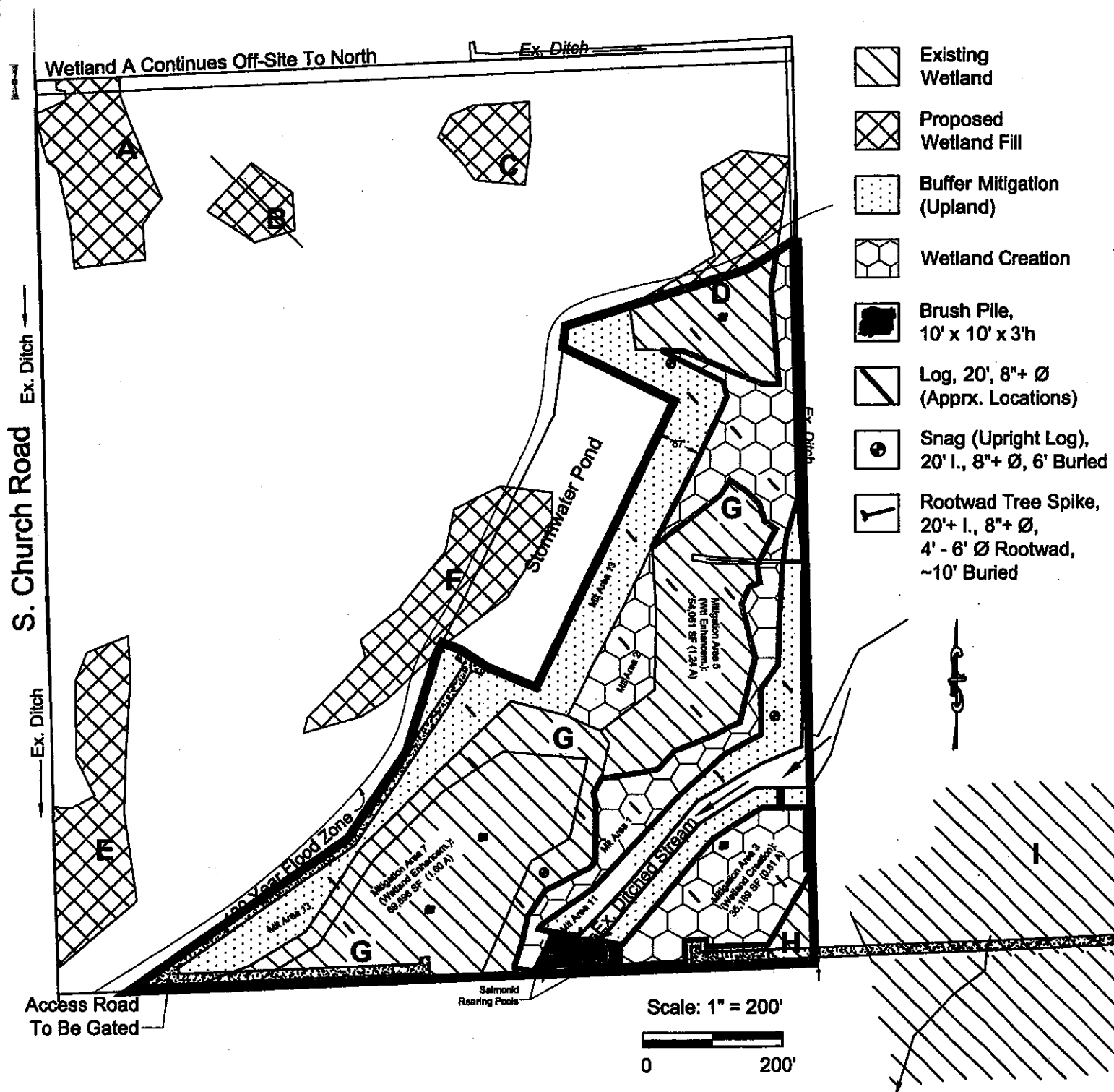
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 Ferndale, WA 98248

PROPOSED: Wetland Fill
 IN: Wetlands
 ADJACENT TO: Tributary To Lummi (Red) River
 AT: Ferndale (NW 1/4, SW 1/4, S30, T39N, R2E)
 COUNTY: Whatcom
 STATE: Washington
 SHEET: 6 of 8 DATE: 6/23/04

Drawn By: JDL

Survey, Base Map Provided
By Construction Surveyors
N.W. Inc. Of Bellingham, WA.

CAI Cantrell
& Associates, Inc.

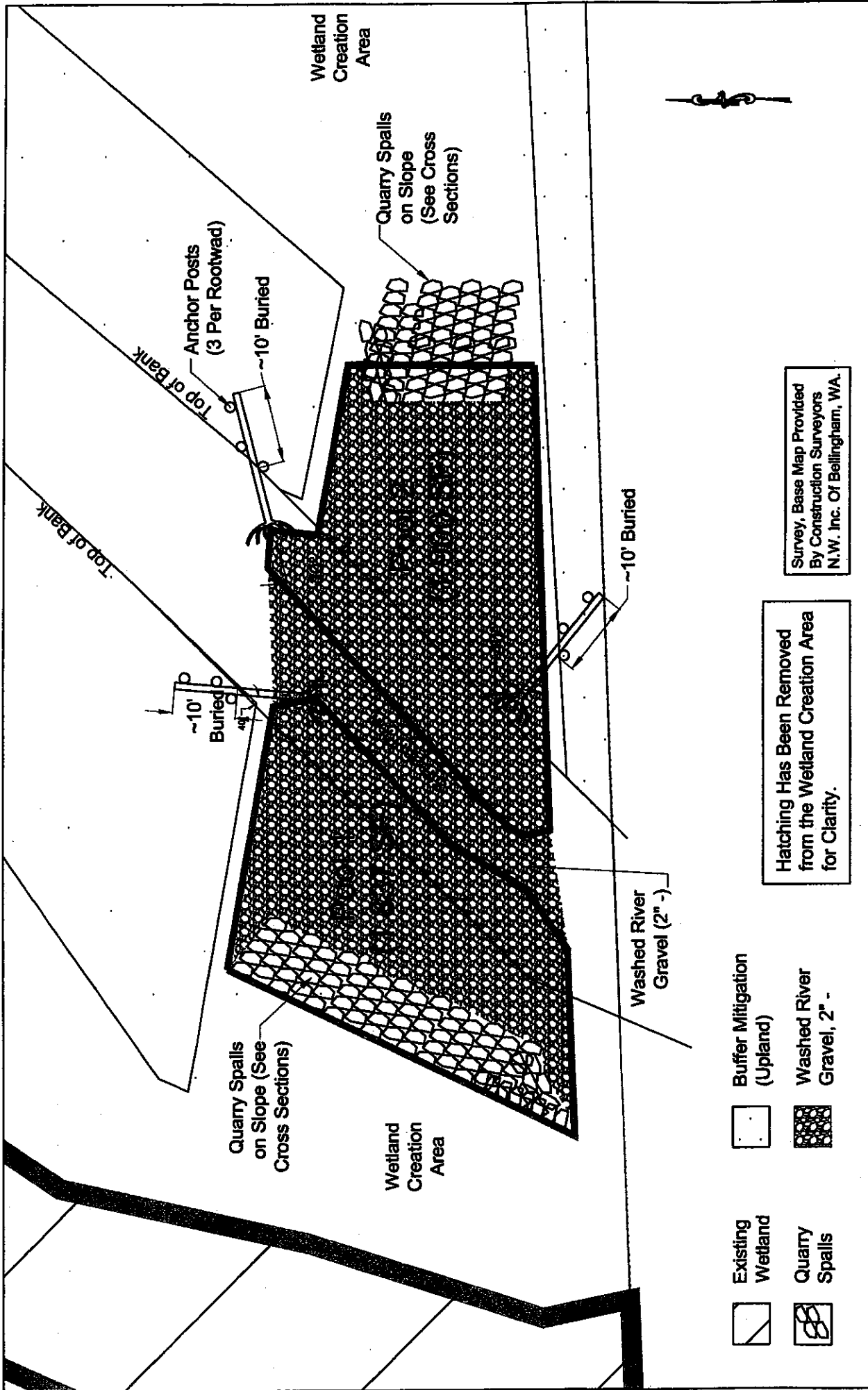


Habitat Enhancements, Mitigation Area: Entire View

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PROPOSED: Wetland Fill
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AT: Ferndale (NW ¼, SW ¼, S30, T39N, R2E)
COUNTY: Whatcom
STATE: Washington
SHEET: 2 of 8 DATE: 6/23/04

Drawn By: JDL



<p>Habitat Enhancements, Mitigation Area: In-Stream Rootwads</p> <p>CORPS REFERENCE NO.: 200400879</p> <p>PURPOSE: To Construct Subdivision</p> <p>DATUM: NGVD 1929</p> <p>JOB ADDRESS: S. Church Rd at Douglas Road</p> <p>APPLICATION BY: South Church LLC</p> <p>MAILING ADDRESS: 2723 Douglas Road Femdale, WA 98248</p>		<p>PROPOSED: Wetland Fill</p> <p>IN: Wetlands</p> <p>ADJACENT TO: Stream</p> <p>AT: Femdale (NW 1/4, SW 1/4, S30, T39N, R2E)</p> <p>COUNTY: Whatcom</p> <p>STATE: Washington</p> <p>SHEET: 2 of 8</p> <p>DATE: 6/23/04</p>	<p>Scale: 1" = 20'</p> <p>0 20'</p> <p>CAI Cantrell & Associates, Inc.</p>
<p>Drawn By: JDL</p>			



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: September 7, 2004

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200400879 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600